

Mr. Mark Lynch
122 Maryland Ave., NE
Washington, D.C. 20002

8/19/84

Dear Mark,

As I indicated when I wrote you the other day, aside from a slight correspondence with your associate Adler I've had nothing to do with the projected CIA FOIA exemptions and had virtually no knowledge of the details. As my enclosed letter to Strawderman states, I got some of the statements yesterday and have read them.

Consistent with his long record of lying to courts under oath Briggs lied to the committee and one of his lies appears to have influenced you. It is a lie, for example, for him to have attested that "The public derives little or no meaningful information from the fragmentary items or the occasional isolated paragraphs which is ultimately released from operational files." There have been releases from operational files that disclose domestic intelligence, even plain flatfooting, which did not have and could not have had any relationship to any foreign intelligence. Fragmentary to me when everything was obliterated except my name. But not fragmentary to another, who received the identical records without any excisions. The target was Bud Fensterwald's committee to investigate assassinations. What was withheld from me included another lie, that I was the committee's investigator. In fact I refused to join, disapproved its to me idle theorizing and misinforming, and as I'm sure he will recall, was at its offices to visit Jim Lesar. Other operational disclosures have been more significant.

It likewise is a lie for Briggs to state that the CIA "would continue to search all its files, as it does today, in response to three types of requests," for personal information, on covert actions no longer covert and for "information concerning the specific subject matter of an investigation for any impropriety or illegality in the conduct of an intelligence activity." I described these ~~lies~~ lies because they are, with me and my old requests, blatant lies. (And what would be the status of such FOIA requests as mine for JFK assassination/investigation ~~records?~~)

With regard to his jazz about 10-year reviews, it is past 20 years with the JFK assassination and the review for which more time was requested almost a decade ago has not been made and my requests have been wiped out under claim to a regulation, or two, rather, which do not exist.

He also claimed that with more time the CIA would be able to respond faster. When they haven't complied with my JFK assassination requests in nine years? How much more time could they have required?

As I read your statement, you are in the position of an honest man used to dealing with people he believes he can trust and whose word he takes, as lawyers customarily take, indeed, have no choice but to take, the word of other lawyers. But you begin by offering the belief that the long delays are due to the amount of time required to review the records. After nine years? *And reviews for the Congress? X p 2*

As I state above, the CIA has disclosed operational files of which it has not made Swiss cheese paper. But it also has been forced to disclose parts of what it had withheld, and it then was apparent that it never had either the basis or the need to withhold what it had withheld.

and with- hold
In even the "random words that have no meaning" interpretation, my experience is to the contrary. To use the above illustration, even without access to Bud's copies, *those* "random words" disclosed domestic intelligence on me, and that is meaningful. (They have much more of this than they have not Swiss-cheesed, and I happen to have copies of some from another source.)

The definition of "operational files" is unreal because as it almost always has the CIA will do its own interpreting, which will not be subject to meaningful challenge. Those components have unimaginable functions. Imagine, for example, a "security"

office concerning itself with books and authors. And disclosing nothing at all when there was no backlog at all. If ~~there are~~ such records are not provided now and have not been for more than a decade how can you believe, or even hope that under the proposed amendment it will mean anything that they "will not be eligible for exemption from search and review?"

"If the existence of a covert operation is not properly classified," you say under the proposed amendment, "the Agency will be required to review all its records concerning the operation." But in 13 years it has not with me, and such things as the mail interception/operation are not and for years have not been classified. Not since the Church committee. (And boy did it hurt me and the First Amendment!)

The same is true about the projected "investigation for impropriety or illegality," which may be conducted by, among others, the CIA's general counsel. To whom with Jim present I proved just this in 1971. And nothing was ever done. So what can be expected of the CIA's general counsel? Particularly when, as the record I sent Adler illustrates, the components feel free to lie to him? *And do!*

And even then they'd ~~have~~ have no obligations "where the individual has repeatedly made frivolous allegations?" So, I make allegations they do not like, they characterize unquestioned truth and fact they do not like as "frivolous," and what does the amendment mean? They ignore anyone and everyone who insists on his rights and observance of the law they want to ignore and violate.

You believe that the "bill insures that operational files cannot be used to hide information on improper or illegal activities of the CIA," but its history under the Act is that it consistently does and gets away with this. I see nothing in the bill that offers even the hope that this practice will be changed and I do see what the CIA will use as an immunity bath for what it has gotten away with without any immunity.

When my 1971 personal information request appeal remains ignored for all ~~these~~ these years and then they claim they can wipe anything out after a year, how can you depend on, "the bill requires that operational files must be searched for personal information? Look at the record I sent Adler on this, those doing the searching locate other relevant files and ignore them.

The retroactivity provision is at best a rich-man's provision. They have an admitted three-year backlog and those of us not able to file suit with requests prior to 2/7/84 have no rights at all under the existing FOIA? At the very least this ought be changed to those who filed requests before a cutoff date. And in my case I was only doing as they asked, give them more time. And believing them when they told me they were about to make disclosures, as Laurie Ziebell did just before I was taken ill.

There is an enormous amount of evil that will be buried forever under this amendment and, based on considerable experience, the imagined benefits will never exist. This includes Watergate evil, quite serious in character. It includes serious First Amendment transgressions they have been able to get away with hiding to now.

I fear you are about to learn what happens when one tries to live with and accommodate an octopus.

* In one of my lawsuits, when I proved point by point that they lied ~~and~~ withhold, the very day their brief was due before the appeals court they disclosed, claiming that once they disclosed to a Congressional committee they had to disclose to me. Since then not a single additional page, on requests up to nine years old.

Sincerely,

